

CAPE COD NATIONAL SEASHORE AMENDMENTS

JUNE 5, 1998.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

REPORT

[To accompany H.R. 2411]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2411) to provide for a land exchange involving the Cape Cod National Seashore and to extend the authority for the Cape Cod National Seashore Advisory Commission, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. CAPE COD NATIONAL SEASHORE.

(a) LAND EXCHANGE AND BOUNDARY ADJUSTMENT.—Section 2 of Public Law 87-126 (16 U.S.C. 459b-1) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

“(d) The Secretary may convey to the town of Provincetown, Massachusetts, a parcel of real property consisting of approximately 7.62 acres of Federal land within such area in exchange for approximately 11.157 acres of land outside of such area, as depicted on the map entitled ‘Cape Cod National Seashore Boundary Revision Map’, dated May, 1997, and numbered 609/80,801, to allow for the establishment of a municipal facility to serve the town that is restricted to solid waste transfer and recycling facilities and for other municipal activities that are compatible with National Park Service laws and regulations. Upon completion of the exchange, the Secretary shall modify the boundary of the Cape Cod National Seashore to include the land that has been added.”.

(b) REAUTHORIZATION OF ADVISORY COMMISSION.—Section 8(a) of such Act (16 U.S.C. 459b-7(a)) is amended by striking the second sentence and inserting the following new sentence: “The Commission shall terminate September 26, 2008.”.

PURPOSE OF THE BILL

The purpose of H.R. 2411 is to provide for a land exchange involving the Cape Cod National Seashore and to extend the authority for the Cape Cod National Seashore Advisory Commission.

BACKGROUND AND NEED FOR LEGISLATION

Congress enacted legislation in 1961 establishing the Cape Cod National Seashore in Massachusetts (Public Law 87-126). H.R. 2411 addresses two longstanding local priorities that were not addressed in the original legislation: (1) authorization of a land exchange/boundary adjustment; and (2) extension of the Advisory Commission.

For several years, officials from the Commonwealth of Massachusetts, the Town of Provincetown, Massachusetts, and the Cape Cod National Seashore have been working to resolve issues concerning a solid waste transfer station located within the boundaries of the National Seashore, but operated by Provincetown. A land exchange agreement has been reached which would transfer the 7.62-acre solid waste transfer site to Provincetown in exchange for 11.157 acres of undeveloped state land to the Seashore. However, Public Law 104-333 established a ceiling of \$750,000 on the value of land that could be affected by an administrative boundary adjustment. Because the value of the land at issue at the Seashore exceeds this amount, "minor boundary" change authority cannot be used and the revision must be done through legislation.

Provincetown would benefit from the land exchange by acquiring the transfer station site and an associated access road. The Park Service would benefit by gaining undeveloped land in place of land previously disturbed by waste disposal activities. In addition, the Park Service would be relieved of liability and management of the site, yet gain a means for disposing of solid waste generated by the National Seashore, via a shared use agreement.

Prior to establishment of the Seashore, the 7.6-acre site was owned by the Commonwealth but used by Provincetown as a landfill and septic disposal area. When the lands were turned over to the Seashore, the Commonwealth placed deed restrictions obligating the federal government to provide a mutually agreeable site "for dumping purposes." Until 1992, the Park Service affirmed this deed obligation by issuing special use permits allowing Provincetown to continue to use the site for solid waste and septic disposal.

In 1992, Provincetown was ordered by the Commonwealth to close its septic lagoons, cap its landfill and build a new solid waste transfer station and recycling facility. The Park Service, concerned about future liabilities, contended that its obligations under the deed were fulfilled, and called on Provincetown to vacate the property. Provincetown objected and the Commonwealth supported its actions. This impasse delayed cleanup of the landfill and septic lagoons, as well as needed enhancements to the solid waste transfer station and recycling facility.

In 1993, an agreement was reached that called for Provincetown to close its landfill and septic facilities, and outlined a series of steps to evaluate the 7.6-acre site for suitability as a permanent

solid waste transfer station and recycling facility. It also obligated the National Seashore to turn this land over to Provincetown if future studies concluded that the site was an appropriate long-term site for a transfer station. At that time, provisions for a land exchange were contained in the original Seashore legislation; therefore, no additional Congressional action was necessary.

Since then, Provincetown has spent \$3 million to close and cap the landfill, and shut down the septic facilities. Federal, state and local officials have completed all necessary environmental studies, which determined that the site is suitable for a permanent transfer station/recycling facility.

H.R. 2411 also extends the Cape Cod National Seashore Advisory Commission. The most recent statutory term of the Advisory Commission has expired. Its extension is strongly supported by local, state and federal officials, as well as the Park Service. Since the Seashore was created, the Commission has provided invaluable guidance to the Park Service and given local officials and community members a voice in the management of the Seashore. Although it has continued to function by administrative directive, a statutory authorization is preferable.

COMMITTEE ACTION

H.R. 2411 was introduced on September 5, 1997, by Congressman William Delahunt (R-MA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks and Public Lands. On November 6, 1997, the Subcommittee met to consider H.R. 2411. An amendment in the nature of a substitute was offered by Subcommittee Chairman James V. Hansen (R-UT) and was adopted by voice vote. The amended version of H.R. 2411 was then ordered favorably reported to the Full Committee. On May 20, 1998, the Full Resources Committee met to consider H.R. 2411. No further amendments were offered and the bill was then ordered favorably reported, as amended, to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(1)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

FEDERAL ADVISORY COMMITTEE STATEMENT

H.R. 2411 reauthorizes an existing advisory committee.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact H.R. 2411.

COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 2411. However, clause 7(d) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 2411 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. With respect to the requirement of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 2411.

3. With respect to the requirement of clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 2411 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 29, 1998.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
U.S. House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2411, a bill to provide for a land exchange involving the Cape Cod National Seashore and to extend the authority for the Cape Cod National Seashore Advisory Commission.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Joanna Wilson and Deborah Reis.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

H.R. 2411—A bill to provide for a land exchange involving the Cape Cod National Seashore and to extend the authority for the Cape Cod National Seashore Advisory Commission

Based on information provided by the National Park Service, CBO estimates that implementing this bill would have no significant impact on the federal budget. H.R. 2411 would not affect di-

rect spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 2411 would provide for a land exchange at the Cape Cod National Seashore. Specifically, the bill would convey about eight acres of federal land to Provincetown, Massachusetts, in exchange for approximately 11 acres of land outside the park. The bill would modify the park boundary to include the added land. In addition, the bill would extend the life of the Cape Cod National Seashore Advisory Commission by 10 years to September 26, 2008. The commission provides guidance to the Park Service at a current annual cost of less than \$5,000.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contacts for this estimate are Joanna Wilson and Deborah Reis. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 2411 contains no unfunded mandates.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

ACT OF AUGUST 7, 1961

AN ACT To provide for the establishment of Cape Cod National Seashore.

* * * * *
SEC. 2. (a) * * *

* * * * *

(d) The Secretary may convey to the town of Provincetown, Massachusetts, a parcel of real property consisting of approximately 7.62 acres of Federal land within such area in exchange for approximately 11.157 acres of land outside of such area, as depicted on the map entitled ‘Cape Cod National Seashore Boundary Revision Map’, dated May, 1997, and numbered 609/80,801, to allow for the establishment of a municipal facility to serve the town that is restricted to solid waste transfer and recycling facilities and for other municipal activities that are compatible with National Park Service laws and regulations. Upon completion of the exchange, the Secretary shall modify the boundary of the Cape Cod National Seashore to include the land that has been added.

[(d)] (e) As used in this Act the term “fair market value” shall mean the fair market value as determined by the Secretary, who

may in his discretion base his determination on an independent appraisal obtained by him.

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SEC. 8. (a) There is hereby established a Cape Cod National Seashore Advisory Commission (hereinafter referred to as the "Commission"). [Said Commission shall terminate 30 years after the date the seashore is established under section 3 of this Act.] *The Commission shall terminate September 26, 2008.*

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